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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/080,937	02/22/2002	Timothy Francis	31009-9072-01	6528		
23409 75	10/04/2003		EXAM	INER		
	MICHAEL BEST & FRIEDRICH, LLP			SILBERMANN, JOANNE		
MILWAUKEE			ART UNIT	PAPER NUMBER		
			3611	9		
			DATE MAILED: 10/04/2003	3		

Please find below and/or attached an Office communication concerning this application or proceeding.

					
	Application No.	Applicant(s)			
` Office Action Summary	Examiner	Franci's Group Art Unit			
	Silber me	ann	3611		
—The MAILING DATE of this communication appear	rs on the cover sheet	beneath the co	orrespondence addı	ess	
ri d for Response	-	2			
SHORTENED STATUTORY PERIOD FOR RESPONSE IS S AILING DATE OF THIS COMMUNICATION.	SET TO EXPIRE	MONTI	H(S) FROM THE		
 Extensions of time may be available under the provisions of 37 CFR 1 from the mailing date of this communication. If the period for response specified above is less than thirty (30) days, If NO period for response is specified above, such period shall, by def Failure to respond within the set or extended period for response will, 	, a response within the state fault, expire SIX (6) MONTH	utory minimum of the	nirty (30) days will be con g date of this communicat	sidered time	
atus					
X Responsive to communication(s) filed on	27-03			•	
☐ This action is FINAL.					
☐ Since this application is in condition for allowance except accordance with the practice under <i>Ex parte Quayle</i> , 193			the merits is closed	d in	
sposition of Claims					
			is/are pending in the application.		
Of the above claim(s) $3, 6, 13-17$	is/are \	is/are withdrawn from consideration.			
□ Claim(s) $\frac{1}{2}$, $\frac{2}{5}$, $\frac{7}{7}$ - $\frac{12}{2}$	is/are	is/are rejected.			
© Claim(s) 4	is/are objected to.				
□ Claim(s)		are su	bject to restriction or	election	
pplication Papers		require	ement.		
$\hfill\Box$ See the attached Notice of Draftsperson's Patent Drawin					
☐ The proposed drawing correction, filed on			d.		
☐ The drawing(s) filed on is/are object	ted to by the Examiner	•			
☐ The specification is objected to by the Examiner.					
☐ The oath or declaration is objected to by the Examiner.					
i rity under 35 U.S.C. § 119 (a)-(d)					
☐ Acknowledgment is made of a claim for foreign priority up ☐ All ☐ Some* ☐ None of the CERTIFIED copies of ☐ received.					
 □ received. □ received in Application No. (Series Code/Serial Numbers) 	er)		•		
□ received in Application No. (Genes Code/Senai Number of Proceived in this national stage application from the Interest of t	*				
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tachment(s)					
☐ Information Disclosure Statement(s), PTO-1449, Paper N	lo(s)	Interview Sum	mary, PTO-413		
☐ Notice of References Cited, PTO-892		Notice of Inform	mal Patent Application	n, PTO-15	
☐ Notice of Draftsperson's Patent Drawing Review, PTO-94	18	Other			
Offic	e Acti n Summary		·		
Patent and Trademark Office -326 (Rev. 3-97) *U.S. GF	PO: 1997-417-381/62710		Part of Paper	No.	

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DETAILED ACTION

Election/Restrictions

- 1. Applicant's election of Group III in Paper No. 8 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
- 2. Claims 3, 6 and 13-17 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 8.

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 1, 2 and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cotutsca, US #4,901,456 in view of Thompson, UK application 2,074,770.
- 5. Cotutsca teaches a display device including object 16 (Figure 1) having first and second ends, tether (linear filament) 23 connected to the second end, first magnet 30, and second magnet 26 (Figures 2 and 3).
- 6. Cotutsca does not teach rotating the display with a motor, however, this is old and well known in the art. Thompson teaches a rotating display having filament 15

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attached to one end of object 24 and the other end to electric motor 14 (Figure 1). It would have been obvious to utilize such a motor in the device of Cotutsca so as to create a more interesting display, as discussed in Cotutsca, page 1 lines 6-15.

- 7. Cotutsca and Thompson do not teach using a spring to attach the object to the motor, however, this is considered to be an equivalent alternative. It would have been obvious to a person having ordinary skill in the art to utilize another such connection so as to provide a different type of motion for the display object.
- 8. Cotutsca and Thompson also do not specify one magnet as being stronger than the other, however, it would have been obvious to one of ordinary skill to utilize magnets of sufficient strength to support the object in the proper position.
- 9. Cotutsca and Thompson do not teach using a transformer or battery power, however, these are well known electrical components. It would have been obvious to one of ordinary skill to utilize a transformer if only AC current were available. It also would have been obvious to utilize a battery if no other power source were available or if the device was used in a remote location.
- 10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cotutsca and Thompson as applied to claim 1 above, and further in view of Gill et al. US #6,279,254.
- 11. Cotutsca and Thompson do not teach using a fan, however, fans are old and well known in the art of display devices. Gill et al. teach an advertising device including fan
- 3. It would have been obvious to one of ordinary skill to utilize a fan in the device of

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Cotutsca (as modified by Thompson) so as to create a more interesting, noticeable display.

Allowable Subject Matter

- 12. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 13. The following is an examiner's statement of reasons for allowance: a rotating display device, as specifically described in claim 1 and further having the first magnet not intersecting the axis of rotation is not shown or suggested by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patents 3874102, 2811356, 3955315 and 4753623 are cited as of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 703-308-2091. The examiner can normally be reached on Tu-Th 5:30-2:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Joanne Silbermann Primary Examiner Art Unit 3611